

RESPONSE TO OFFICE ACTION
DATED JULY 17, 2006

Appln No. 10/759,714

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October 27, 2006

REMARKS

This is in response to the Office Action dated July 17, 2006. Reconsideration is respectfully requested.

Request for Extension of Time

Applicants request that the time period for response be extended one month, from October 17, 2006 to November 17, 2006. Applicants authorize the Office to charge the \$120 fee to the credit card indicated with this submission in payment of the one-month extension fee pursuant to 37 CFR 1.17(a)(1).

Status of Claims

Claims 1-7, 9, 10, 16-18, 23, 24, 26-36 and 38-40 are pending.

Acknowledgment of Allowable Subject Matter

Applicants acknowledge, with appreciation, that Claims 16-18, 23, 24, 26-36 and 38-40 are allowed and that Claims 6, 7, 9 and 10 would be allowable if rewritten in independent form to include the recitations of their respective base claims and any intervening claims upon which they depend.

Summary of Rejections

Claims 1-5 are rejected as anticipated by U.S. Patent No. 4,552,221 to Klein. Applicants respectfully traverse the rejections as demonstrated in the arguments presented below.

Support for Claim Amendment

Claim 1 has been amended to recite that the diaphragm sealingly partitions the pressure chamber from the valve outlet. Support for this amendment may be found in Figures 1-

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3 as originally filed, which illustrate a pressure chamber 32 bounded by a diaphragm 36, the diaphragm sealing the pressure chamber from the valve outlet 22.

The Argument

To anticipate a claim, a reference must teach every element of the claim (MPEP section 2131). Applicants contend that Klein fails to meet this criterion and, therefore, cannot properly support a rejection of the claims on the basis of anticipation.

Claim 1 as amended recites a valve having, among other elements: an inlet, a seat and an outlet; a pressure chamber positioned in facing relation with the seat; a closure member positioned between the pressure chamber and the seat; and a diaphragm sealingly partitioning the pressure chamber from the outlet, the diaphragm being positioned between the pressure chamber and the closure member and attached to the closure member. Claim 1 further recites that the diaphragm transfers pressure to the closure member and that the closure member is pivoted into sealing engagement with the seat when the pressure chamber is pressurized.

Figure 1 of the application illustrates an example of a valve 12 as recited in amended Claim 1. In particular, note the pressure chamber 32 and the diaphragm 36 which sealingly partitions the pressure chamber from the outlet 22 and which is attached to the valve closure member 38 by plate 40 and bolts 42. A comparison of Figures 1 and 3 in the application illustrates the operation of the valve 12, wherein the valve

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closure member 38 is pivoted into engagement with a seat 26 when the pressure chamber 32 is pressurized.

The valve disclosed in Klein does not have the structure as recited in amended Claim 1, nor does it operate in the same manner. The diaphragm 6 in Klein does not sealingly partition the pressure chamber 16 from the outlet 15 as recited in the claim. Instead, the diaphragm 6 is positioned between an air flap 7 and a water disk 8 that form a blocking flap 17. The blocking flap is an assembly that constitutes the valve closure member. The diaphragm does not transfer pressure to the valve closure member to pivot it into engagement with the flap seating ring 1, but transfers pressure to a plate 4 that extends spherical locking elements 3 into an annular groove 2 in the flap seating ring 1. Engagement between the locking elements 3 and the groove 2 allow the water disk 8 to resist the water pressure in inlet 14 (see Klein, column 4, lines 18-65).

The differences between the valve according to the invention as recited in amended Claim 1 and the valve disclosed in Klein are clear. Claim 1 recites a diaphragm that sealingly partitions the pressure chamber from the valve outlet, while Klein discloses a diaphragm that is wholly contained within the valve closing member and does not serve as a partition between a pressure chamber and a valve outlet. In view of these differences, applicants contend that Klein cannot properly support a rejection of amended Claim 1 as anticipated because every claim element is not taught in Klein; i.e., Klein does not have a diaphragm that partitions the pressure chamber from the valve outlet.

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Claims 1-5 depend, either directly or indirectly, on Claim 1 and should be allowable for the same reasons that Claim 1 is allowable.

Summary

Applicants have demonstrated that the rejection of Claims 1-5 as anticipated by Klein is improper because Klein does not teach every element recited in the claims. Applicants contend, therefore, that Claims 1-5 are allowable and request that the rejections be withdrawn and the application passed to issue.

Respectfully submitted,

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